

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CRIMINAL ACTION NO. 5:05-CR-00007-KDB-DCK-1**

**UNITED STATES OF AMERICA,**

**v.**

**JIMMY LANE STOUT,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court on Defendant's *pro se* motion for compassionate release and home confinement under 18 U.S.C. § 3582(c)(1)(A), the First Step Act of 2018, and the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020. (Doc. No. 169). Defendant seeks compassionate release a second time arguing he faces a heightened risk of contracting COVID-19 while incarcerated at FCI Jesup and that, due to his pre-existing medical conditions, he faces a heightened risk of a severe case of COVID-19 if he were to contract the virus. Because Defendant has not met his burden to establish that a sentencing reduction is warranted under 18 U.S.C. § 3582(c), the Court will deny his motion.

The Government reports Defendant is fully vaccinated against COVID-19 having received his second dose of the Moderna vaccine on March 9, 2021. (Doc. Nos. 172, 173). Additionally, Defendant's health records indicate that he has been receiving regular medical care and medications for his underlying health conditions of high blood pressure, hypothyroidism, and gout. The CDC reports that vaccinations protect individuals from getting sick with COVID-19, *Facts about Vaccination*, CDC (Apr. 15, 2021), [www.cdc.gov/coronavirus/2019-ncov/vaccines/facts.html](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/facts.html), and may prevent individuals from "getting seriously ill" even if they do

contract the virus, *Benefits of Getting Vaccinated*, CDC (Apr. 12, 2021), [www.cdc.gov/coronavirus/2019-ncov/vaccines/vaccine-benefits.html](http://www.cdc.gov/coronavirus/2019-ncov/vaccines/vaccine-benefits.html). The CDC also notes that vaccines currently available in the United States have been shown to be “highly effective” at preventing COVID-19.

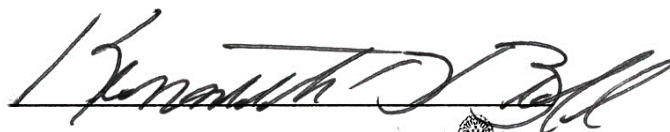
The vaccine addresses Defendant’s concerns about contracting COVID-19 and his purported risk of severe illness should he contract the virus. Because Defendant’s vaccination significantly mitigates the risk of contracting COVID-19, Defendant cannot establish an “extraordinary and compelling” reason for compassionate release based on his concerns about contracting the virus. As such, Defendant’s Motion will be denied.

As Defendant was informed in the Court’s order denying his first motion for compassionate release, nothing in the CARES Act gives the Court a role in determining which candidates are eligible for home confinement under 18 U.S.C § 3624(c)(2).

**IT IS THEREFORE ORDERED** that Defendant’s Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c)(1)(A), (Doc. No. 169), is **DENIED**.

**SO ORDERED.**

Signed: June 17, 2021



Kenneth D. Bell  
United States District Judge

